

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
HELENA DIVISION**

UNITED STATES OF AMERICA,

CR-05-23-H-BMM

Plaintiff,

vs.

ORDER

JOHN ULMER,

Defendant.

United States Magistrate Judge John Johnston entered Findings and Recommendations in this matter on February 23, 2022. (Doc. 97.) John Ulmer (Ulmer) filed an objection on February 28, 2022. (Doc. 98.) The Court reviews de novo findings and recommendations to which a party objects. 28 U.S.C. § 636(b)(1).

Judge Johnston conducted a revocation hearing on February 22, 2022. (Doc. 96.) The United States accused Ulmer of violating his conditions of supervised release by failing to successfully complete his sex offender treatment program. (Doc. 87.) At the revocation hearing, the government satisfied its burden of proof with respect to the alleged violation. (Doc. 96.) Judge Johnston found the violation is serious and warrants revocation of Ulmer's supervised release. Judge Johnston recommended Ulmer be incarcerated for 1 month, with a lifetime of

supervised release to follow. Judge Johnston also recommended that Ulmer self-report to the Cascade County Detention Center on or before 12:00 p.m. (noon) on March 14, 2022. (Doc. 81.) Ulmer was advised of his right to appeal and his right to allocute before the undersigned. (Doc. 96.)

Ulmer now opposes Judge Johnston's Findings and Recommendations, objecting to Judge Johnston's finding that Ulmer viewed child pornography. (Doc. 98.)

The Court has reviewed Judge Johnston's Findings and Recommendations as well as Ulmer's objection. The undersigned conducted a revocation hearing on March 14, 2022. (Doc. 100.) Ulmer and his attorney were allowed to allocute before the undersigned. (*Id.*) The Court has also considered the 18 U.S.C. § 3553(a) factors and agrees with Judge Johnston's Findings and Recommendations.

Ulmer's violation of his conditions of supervised release represents a serious breach of the Court's trust. This violation proves serious. Judge Johnston has recommended that the Court revoke Ulmer's supervised release and commit him to the custody of the Bureau of Prisons for 1 months. (Doc. 81.) Judge Johnston further recommended a lifetime of supervised release to follow. (*Id.*) Accordingly,

IT IS HEREBY ORDERED that Ulmer's objection is denied. Judge Johnston's Findings and Recommendations, (Doc. 97) are ADOPTED IN FULL.

IT IS FURTHER ORDERED that Defendant John Ulmer be sentenced to the custody of the Bureau of Prisons for 1 month, with a lifetime of supervised release to follow. Ulmer should self-report to the Cascade County Detention Center by 2:00 p.m. on Monday, March 14, 2022.

DATED this 14th day of March, 2022.



Brian Morris, Chief District Judge
United States District Court